

March 2010

Pete Grannis, Commissioner
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7012

Daniel Walsh, Director
NYC Mayor's Office of Environmental Remediation
253 Broadway, 14th floor
New York, NY 10007

Dear Commissioner Grannis and Director Walsh:

The undersigned groups urge you to take the necessary steps that will allow for the commencement of the Local Brownfield Cleanup Program (LBCP), as authorized by the *NYC Brownfields and Community Revitalization Act of 2009*. A functioning LBCP that provides state liability protection for brownfield cleanups in NYC is an integral part of the comprehensive approach to brownfields redevelopment and community revitalization and it is particularly needed by low- and moderate-income New York City communities impacted by multiple brownfield sites.

The rules governing the LBCP were released for public review in September, 2009. A public hearing was held on October 19, 2009, and it was anticipated that the LBCP would be formally launched by the end of 2009. Nearly five months after the public hearing, the LBCP still has not begun, and the cleanup of lightly and moderately contaminated sites in NYC continues to be stymied. As a result, the reclamation of brownfield sites for affordable housing and other job-generating end uses continues to be delayed.

The NYC Brownfields and Community Revitalization Act provides the tools and resources that are needed to overcome the intractable obstacles of disinvestment and decay that limit development in so many of New York City's underserved neighborhoods. It encourages new partnerships between local government, residents, property owners, local businesses, community organizations and neighborhood lenders, and it establishes the City as a fully engaged partner in the implementation of the state's innovative Brownfield Opportunity Area (BOA) program. In accordance with PlaNYC, the *NYC Brownfields and Community Revitalization Act* formally recognizes and prioritizes resources for projects built consistent with BOA plans, and will position City neighborhoods to successfully compete for state, federal and private sector resources. As projects begin to emerge from the BOA planning process, it is imperative that the City's LBCP be up and running.

We urge you to take the steps necessary to expeditiously launch a well-run LBCP which includes:

1. Provisions so that lightly and moderately contaminated sites, which are not subject to state or federal enforcement actions, can be cleaned up with City regulatory oversight and secure the state liability relief that is often required to secure financing;
2. Provisions that ensure that cleanups conducted under the LBCP are subject to cleanup standards, cleanup remedies, and public participation requirements that are consistent with the state Brownfield Cleanup Program;

3. Provisions that require interagency and public notification regarding compliance with engineering and institutional controls, guaranteeing that intended use cleanups will be monitored and regulated; and
4. Provisions for NYSDEC to retain periodic audit/oversight responsibility of cleanups that were conducted under the LBCP; as well as the authority to withdraw NYSDEC program acceptance of future cleanups under the LBCP, if NYSDEC documents unsatisfactory program performance.

We are concerned that the state's fiscal crisis has placed an added burden on communities and municipalities struggling to clean up toxic legacies and revitalize communities. A well-run LBCP that provides state liability protection is vital to increase the options available in NYC to address the complex issues of brownfield redevelopment during this difficult time. We urge the City and State to take the steps needed to get a fully functioning Local Brownfield Cleanup Program up and running without any further delay.

Sincerely,

- Joan Bartolomeo, Brooklyn Economic Development Corporation
- Jim Tripp, Environmental Defense Fund
- Leah Archibald, EWVIDCO
- Michelle de la Uz, Fifth Avenue Committee
- Carlisle Towery, Greater Jamaica Development Corporation
- Brian Coleman, Greenpoint Manufacturing & Design Center
- Lucille McEwen, Harlem Congregations for Community Improvement
- Jody Kass, New Partners for Community Revitalization, Inc.
- Eddie Bautista, New York City Environmental Justice Alliance
- Gavin Kearney, New York Lawyers for the Public Interest
- Marcia Bystryn, New York League of Conservation Voters
- Michele Sledge, Northfield Community LDC,
- Neil Pariser, SoBRO
- Elizabeth C. Yeampierre, UPROSE
- J. Mijin Cha, Urban Agenda
- Susan Meeker, West Brighton Community Local Development Corporation
- Alexie Torres-Fleming, Youth Ministries for Peace and Justice

cc: Val Washington, NYSDEC